

**BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS
CALENDAR**

The following bills were removed from the Local and Uncontested Bills Calendar:

Bill Number	Senators Objecting
S.B. 326	Leedom, Andujar, Traeger
S.B. 818	Mauzy, Doggett
S.B. 881	Andujar, Leedom
S.B. 971	Mauzy, Doggett
S.B. 1242	Mauzy, Doggett
S.B. 1258	Mauzy, Doggett
H.B. 749	Mauzy, Doggett
H.B. 959	Removed by author, Doggett
H.B. 1843	Glasgow, Caperton, Mauzy, Doggett
H.B. 1899	Travis, Blake, Howard
H.B. 2046	Glasgow, Blake
H.B. 2090	Blake, Howard
H.C.R. 87	Mauzy, Blake

**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Mauzy the Senate at 9:01 o'clock a.m. adjourned until 9:30 o'clock today.

**SEVENTY-FIFTH DAY
(Friday, May 22, 1981)**

The Senate met at 9:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

Senator W. E. (Pete) Snelson offered the invocation.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

H.B. 360 (Amended)
H.B. 733
H.B. 2094

Senator Snelson submitted the following report for the Committee on Education:

H.B. 181
C.S.H.B. 2340 (Read first time)

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 1259 (Read first time)
C.S.H.B. 411 (Read first time)

Senator Jones submitted the following report for the Committee on Finance:

H.B. 1708 (Amended)
C.S.H.B. 1465 (Read first time)
H.B. 885
H.B. 696

HOUSE BILL 1708 ORDERED NOT PRINTED

On motion of Senator Jones and by unanimous consent, **H.B. 1708** was ordered not printed.

COMMITTEE SUBSTITUTE HOUSE BILL 1465 ORDERED NOT PRINTED

On motion of Senator Jones and by unanimous consent **C.S.H.B. 1465** was ordered not printed.

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 323
S.B. 191
H.B. 556
H.B. 729

H.B. 1368**SENATE BILL ON FIRST READING**

On motion of Senator Jones and by unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

S.B. 1289 by Jones Jurisprudence
Relating to the disposition of abandoned or unclaimed property seized by a peace officer.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 991, To Committee on Economic Development.
H.B. 510, To Committee on Education.
H.B. 697, To Committee on Finance.
H.B. 2233, To Committee on Economic Development.
H.B. 958, To Committee on Intergovernmental Relations.
H.B. 28, To Committee on Education.
H.B. 118, To Committee on State Affairs.
H.B. 306, To Committee on Economic Development.
H.B. 472, To Committee on Economic Development.
H.B. 514, To Committee on Education.
H.B. 542, To Committee on State Affairs.
H.B. 2009, To Committee on Economic Development.
H.B. 1687, To Committee on State Affairs.
H.B. 141, To Committee on Education.
H.B. 1197, To Committee on Human Resources.
H.B. 1112, To Committee on Human Resources.

GUESTS INTRODUCED

Senator Andujar was recognized and introduced a delegation, seated in the gallery, representing the Texas Women Western Artists.

Senator Andujar expressed appreciation for their art now on display in the Capitol Rotunda.

SENATE RESOLUTION 714

Senator Doggett offered the following resolution:

S.R. 714, Commending Lee Cooke for his outstanding leadership as a member of the Austin City Council.

The resolution was read and was adopted.

SENATE RESOLUTION 715

Senator Doggett offered the following resolution:

S.R. 715, Commending the tireless and effective work of Mrs. Betty Himmelblau as a member of the Austin City Council.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Doggett escorted Lee Cooke, his wife Kay Baker Cooke, and Mrs. Himmelblau to the President's Rostrum.

The President presented enrolled copies of the Senate Resolutions to these guests.

SENATE BILL 555 WITH HOUSE AMENDMENT

Senator Mauzy called S.B. 555 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Maloney

Amend S.B. 555 on page 1, Section 1, line 22 by deleting "trail" and substituting therefor "trial".

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 755 WITH HOUSE AMENDMENT

Senator Mauzy called S.B. 755 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Adkisson

Substitute the following for S.B. 755:

A BILL TO BE ENTITLED AN ACT

relating to property agreements and divisions of property between spouses and persons about to marry and to gifts from one spouse to the other; providing for the rights, privileges, duties, and powers of spouses and third parties in relation to interspousal agreements, divisions, and gifts; amending Chapter 5, Family Code, by amending Sections 5.41 and 5.42 and adding Sections 5.04, 5.43, 5.44, 5.45, and 5.46.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 5, Family Code, as amended, is amended by adding Section 5.04 to read as follows:

"Section 5.04. GIFTS BETWEEN SPOUSES. If one spouse makes a gift of property to the other, the gift is presumed to include all the income and property which may arise from that property."

SECTION 2. Chapter 5, Family Code, as amended, is amended by amending Sections 5.41 and 5.42 and by adding Sections 5.43, 5.44, 5.45, and 5.46 to read as follows:

Section 5.41. AGREEMENT IN CONTEMPLATION OF MARRIAGE.

(a) Before marriage, persons intending to marry may enter into a marital property agreement concerning their property then existing or to be acquired, as they may desire.

~~“(b) [The agreement must be in writing and subscribed by all parties.]~~

~~“(c) [A minor capable of marrying but not otherwise capable of entering into a binding agreement may enter into a marital property agreement with the subscribed, written consent of the guardian of the minor’s estate and with the approval of the probate court after the application, notice, and hearing required in the Probate Code for the sale of a minor’s real estate, and if there be no guardian of the minor’s estate, with the subscribed, written consent of the minor’s managing conservator.]~~

~~“(d) [A marital property agreement does not prejudice the rights of preexisting creditors.]~~

~~“(e) [A marital property agreement may be recorded in the deed records of the county in which the parties, or one of them, reside and in the county or counties in which the real property affected or to be affected is located. As to real property, a marital property agreement is not constructive notice to a good faith purchaser for value or a creditor without actual notice unless the instrument is acknowledged and recorded in the county in which the real property is located.]~~

“Section 5.42. PARTITION OR EXCHANGE OF COMMUNITY PROPERTY. ~~“(a) [At any time, the spouses may partition or exchange between themselves any part of their community property, then existing or to be acquired, as they may desire. Property or a property interest transferred to a spouse by a partition or exchange agreement becomes his or her separate property [in severalty or in equal undivided interests, all or any part of their community property. They may exchange between themselves the interest of one spouse in any community property for the interest of the other spouse in other community property. A partition or exchange must be in writing and subscribed by both parties.]~~

~~“(b) [Subject to the rules stated in Subsections (c) and (d) of this section, property or a property interest transferred to a spouse under a partition or exchange becomes his or her separate property.]~~

~~“(c) [A partition or exchange does not prejudice the rights of preexisting creditors.]~~

~~“(d) [A partition or exchange agreement may be recorded in the deed records of the county in which the parties, or one of them, reside and in the county or counties in which the real property affected is located. As to real property, a partition or exchange agreement is not constructive notice to a good faith purchaser for value or a creditor without actual notice unless the instrument is acknowledged and recorded in the county in which the real property is located.]~~

“Section 5.43. AGREEMENTS BETWEEN SPOUSES CONCERNING INCOME OR PROPERTY DERIVED FROM SEPARATE PROPERTY. At any time, the spouses may agree that the income or property arising from the separate property then owned by one of them, or which may thereafter be acquired, shall be the separate property of the owner.

“Section 5.44. FORMALITIES OF AGREEMENTS. Each agreement, partition, or exchange agreement made under this subchapter must be in writing and subscribed by all parties.

"Section 5.45. MARITAL AGREEMENTS: BURDEN OF PROOF. In any proceeding in which the validity of a provision of an agreement, partition, or exchange agreement made under this subchapter is in issue as against a spouse or a person claiming from a spouse, the burden of showing the validity of the provision is on the party who asserts it. The proponent of the agreement, partition, or exchange agreement or any person claiming under the proponent has the burden to prove by clear and convincing evidence that the party against whom enforcement of the agreement is sought gave informed consent and that the agreement was not procured by fraud, duress, or overreaching.

"Section 5.46. MARITAL AGREEMENTS: RIGHTS OF CREDITORS, RECORDATION. (a) A provision of an agreement, partition, or exchange agreement made under this subchapter is void with respect to rights of a preexisting creditor whose rights are intended to be defrauded by it.

"(b) An agreement, partition, or exchange agreement made under this subchapter may be recorded in the deed records of the county in which the parties, or one of them, reside and in the county or counties in which the real property affected or to be affected is located. As to real property, an agreement, partition, or exchange agreement made under this subchapter is not constructive notice to a good faith purchaser for value or a creditor without actual notice unless the instrument is acknowledged and recorded in the county in which the real property is located."

SECTION 3. This Act takes effect September 1, 1981.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator McKnight yesterday.

EXECUTIVE SESSION

On motion of Senator Uribe and by unanimous consent, the Senate agreed to meet in Executive Session to consider the nominations.

Accordingly, the President at 10:01 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

IN LEGISLATIVE SESSION

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 10:28 o'clock a.m.

Senator McKnight moved confirmation of the nominees as reported from the Subcommittee on Nominations. Those nominees do not include a pending nomination as indicated on yesterday's committee report. The report was filed yesterday.

The President asked if there were requests to sever nominees.

Senator Uribe requested that Mayor Othal E. Brand to be a Member of the Texas Board of Corrections be severed.

The request was granted.

NOMINEES CONFIRMED

The nominees not severed and as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Question recurring on the confirmation of Mayor Othal E. Brand to the Board of Corrections, the Senate refused to confirm Mayor Brand by the following vote: Yeas 0, Nays 31.

SENATE CONCURRENT RESOLUTION 100 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S.C.R. 100, Creating a joint interim committee to study the needs of autistic citizens.

The resolution was read second time and was adopted.

SENATE BILL 34 ON SECOND READING

On motion of Senator Mengden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 34, Relating to boundaries of justice precincts and to the terms of office of affected justices of the peace and constables.

The bill was read second time and was passed to engrossment.

SENATE BILL 34 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 477 ON SECOND READING

The Senate resumed consideration of C.S.S.B. 477 on its second reading and passage to engrossment with an amendment by Senator Mengden to a pending amendment by Senator Truan pending.

Question - Shall the amendment to the pending amendment be adopted?

COMMITTEE SUBSTITUTE SENATE BILL 477 POSTPONED

Senator Truan moved to postpone further consideration of C.S.S.B. 477 until 11:00 o'clock a.m. Monday, May 25, 1981.

The motion prevailed by the following vote: Yeas 19, Nays 8, Present-not voting 1.

Yeas: Blake, Caperton, Doggett, Glasgow, Harris, Kothmann, Mauzy, McKnight, Meier, Ogg, Parker, Santiesteban, Short, Traeger, Travis, Truan, Vale, Williams, Wilson.

Nays: Andujar, Brooks, Brown, Farabee, Howard, Jones, Leedom, Sarpalius.

Present-not voting: Snelson.

Absent: Mengden, Richards, Uribe.

(Senator Jones in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1273 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1273, Relating to the acquisition and boundaries of land in the Franklin Mountains State Park, and to the exclusion of certain land from that park.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1273 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1273 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 983 ON SECOND READING

Senator Brown moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 983, Relating to the prohibition of motor vehicles on coastal beaches in certain counties; providing penalties.

(President in Chair)

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Travis, Uribe, Williams, Wilson.

Nays: Doggett, Kothmann, Mauzy, Santiesteban, Traeger, Truan, Vale.

The bill was read second time.

Senator Truan requested a full reading of the bill.

The Secretary of the Senate read the bill in its entirety.

Question - Shall the bill be passed to engrossment?

MOTION TO POSTPONE COMMITTEE SUBSTITUTE SENATE BILL 983

Senator Doggett moved to postpone further consideration of **C.S.S.B. 983** until the conclusion of Morning Call on Tuesday, May 26, 1981.

The motion was lost by the following vote: Yeas 8, Nays 23.

Yeas: Doggett, Kothmann, Mauzy, Parker, Santiesteban, Traeger, Truan, Vale.

Nays: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Travis, Uribe, Williams, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 983 ON SECOND READING

The Senate resumed consideration of **C.S.S.B. 983** on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

Senator Wilson offered the following amendment to the bill:

Amend Committee Substitute for **S.B. 983** as follows:

Line 20 Sec 1 add the word free before the words public parking.

The amendment was read and was adopted.

Senator Truan offered the following amendment to the bill:

Amend **C.S.S.B. 983** by deleting all the text below the enacting clause.

The amendment was read.

Question - Shall the amendment be adopted?

(Senator Farabee in Chair)

Senator Harris occupied the Chair during discussion of the amendment.

(President in Chair)

GUEST PRESENTED

The President presented his guest, The Honorable Walter Mondale, former Vice-President of the United States.

Vice-President Mondale was welcomed by the Members and briefly addressed the Senate.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has **TABLED H.B. 1833** by Horn by a Record Vote of 78 ayes, 62 nays and 2 present-not voting.

H.B. 1015, Relating to the establishment of school volunteer programs financed under the Foundation School Program; authorizing the position of Coordinator-School Volunteers.

H.B. 1151, Relating to policemen's retirement system in certain cities with a population of 1,200,000 or more.

H.B. 1249, Relating to costs incurred in the defense of certain actions by a state agency and the awarding of such costs by the court.

H.B. 2081, Relating to continuation of the Adjutant General's Department and to fees and other revenue paid to the department.

H.B. 2209, Municipal Solid Waste Management Siting Act.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 983 ON SECOND READING

The Senate resumed consideration of **C.S.S.B. 983** on its second reading and passage to engrossment with an amendment by Senator Truan pending.

Question - Shall the amendment be adopted?

(Senator Leedom in Chair)

Senator Doggett made the Parliamentary Inquiry as to whether, by unanimous consent, he might be allowed to speak on a point of personal privilege without Senator Truan's yielding the floor.

The Presiding Officer stated Senate Rule 60 provides for a personal privilege speech with unanimous consent during another Senator's remarks.

Senator Doggett then asked for unanimous consent to be allowed to make a personal privilege speech during remarks by Senator Truan.

Senator Brown objected.

Question - Shall the amendment be adopted?

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 338. Relating to the election of the board of trustees of certain school districts.

H.B. 362. Relating to instruction of jurors as to parole and good conduct time laws.

H.B. 957. Relating to the amount of per diem to which members of state boards and commissions are entitled.

H.B. 1150. Relating to the operation and management of policemen's retirement systems in cities with a population of 1,200,000 or more.

H.B. 1321. Relating to the right of a peace officer to carry a weapon.

H.B. 1327. Relating to the state's liability for and defense of claims based on conduct of certain medical consultants to the Texas Rehabilitation Commission.

H.B. 1570. Relating to the escheat of abandoned travelers checks.

H.B. 1785. Relating to the taxation of premiums paid on certain health insurance policies.

H.B. 1828. Relating to local community development programs.

H.B. 1984. Relating to the creation of offenses for unlawfully teaching the use of a weapon unlawfully assembling with a weapon, or unlawfully carrying a weapon at a procession.

H.B. 2154, Relating to time limitations on product liability suits.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

Senator Doggett requested a full reading of each bill on the Message from the House.

The Presiding Officer denied the request.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 983 ON SECOND READING

The Senate resumed consideration of **C.S.S.B. 983** on its second reading and passage to engrossment with an amendment by Senator Truan pending.

Question - Shall the amendment be adopted?

Senator Doggett raised a Point of Order on further consideration of **C.S.S.B. 983**, stating it was 2:00 o'clock p.m. on Friday, May 22, 1981, and that **C.S.S.B. 800** and **C.S.H.B. 1400** were set as Special Order for 2:00 o'clock p.m. today.

The President ruled the Point of Order well taken.

FLOOR PRIVILEGES GRANTED

On motion of Senator Snelson and by unanimous consent, floor privileges were granted to staff members in order that they might sit at Senator Snelson's desk during discussion of **C.S.S.B. 800**.

COMMITTEE SUBSTITUTE SENATE BILL 800 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment: (On Thursday, May 21, the bill was set as Special Order for 2:00 o'clock p.m. today.)

C.S.S.B. 800, Relating to apportionment of the State into senatorial districts.

The bill was read second time.

(Senator Brooks in Chair)

Senator Richards offered the following amendment to the bill: 31

Floor Amendment No. 1:

Amend **C.S.S.B. 800** as follows:

1) Amend Section 5 by adding Montgomery County Tract Number 908.02 to District 4.

2) Amend Section 8 by adding Fort Bend County Tract Numbers 712, 713, and 714 to District 7 and deleting Montgomery County tracts 908.02 from District 7.

3) Amend Section 18 by deleting Fort Bend County Census Tracts 712, 713 and 714 from District 17.

The amendment was read and was adopted.

Exhibit accompanying Floor Amendment No. 1

STAFF PLAN C.S.S.B. 800

		BLACK	M-A	OTHER
4	458,072	91,352 (19.9)	14,739 (3.2)	351,981 (76. 8)
7	457,396	47,266 (10.3)	49,611 (10.8)	360,519 (78.82)
17	463,462	39,612 (8.5)	68,324 (14.7)	355,526 (76. 7)

PROPOSED CHANGES

Change 3 Fort Bend tracts from 17 to 7

Tract

712	1417	970	215	232
713	3928	603	676	2749
714	2076	43	181	1852

Change 1 Montgomery Tract from 7 to 4

908.02	2169	0	34	2125
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+.02%	4	460,241 (+1281)	91,352 (19.84)	14,773 (3.20)	354,116 (76.96)
+.07%	7	462,648 (+3668)	48,882 (10.56)	50,649 (10.94)	363,217 (78. 5)
-.06%	17	456,041 (- 2919)	37,996 (8.33)	67,352 (14.76)	350,693 (76.91)

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 2

Amend:

Section 9, District 8 by deleting census tracts 2.02, 3, 7.02, 196, 197, 198 and adding census tracts 4.03, 100, 148.01, 148.02, 157 and 158.

Section 17, District 16 by deleting census tracts 25, 26, 27.01, 92.02, 93.01, and adding census tracts 2.02, 3, 7.02, 196, 197 and 198.

Section 24, District 23 by deleting census tracts 4.03, 100, 148.01, 148.02, 157, 158 and adding census tracts 25, 26, 27.01, 92.02 and 93.01.

(Exhibits accompanying Floor Amendment No. 2 printed on following pages.)

The amendment was read.

On motion of Senator Leedom and by unanimous consent, the amendment was withdrawn.

Exhibit accompanying Floor Amendment No. 2

DISTRICT 8

Additions to District 8

<u>Census Tract</u>	<u>1980 Population</u>
4.03	5610
100	2315
148.01	1416
148.02	1277
157	3035
158	2474
TOTAL	16,127

Deletions from District 8

<u>Census Tract</u>	<u>1980 Population</u>
2.02	3428
3	3155
7.02	2466
196	2242
197	2408
198	4262
TOTAL	17,961

Exhibit accompanying Floor Amendment No. 2

DISTRICT 8

Deletions from District 8

<u>Census Tract</u>	<u>Black</u>	<u>Hispanic</u>
2.02	13	322
3	14	462
<u>7.02</u>	111	389
196	4	40
197	12	42
198	15	55
TOTAL	169	1,310

Additions to District 8

<u>Census Tract</u>	<u>Black</u>	<u>Hispanic</u>
4.03	162	3,378
100	1,446	101
148.01	6	91
148.02	11	308
157	0	1,067
158	18	286
TOTAL	- 1,643	- 5,231
	+1,474	+3,921

	<u>Population</u>	<u>Percent From Mean</u>	<u>Black</u>	<u>Percent</u>	<u>Hispanic</u>	<u>Percent</u>
Before	464,370	+1.17	17,159	3.70	32,832	7.07
After	462,536	+ .77	18,633	4.02	36,753	7.94
Difference	- 1,834		+1,474	+.32	+3,921	+.87

Exhibit accompanying Floor Amendment No. 2

DISTRICT 16

Additions to District 16

<u>Census Tract</u>	<u>1980 Population</u>
2.02	3,428
3	3,155
7.02	2,466
196	2,242
197	2,408
198	<u>4,262</u>
TOTAL	17,961

Deletions from District 16

<u>Census Tract</u>	<u>1980 Population</u>
25	3,062
26	1,691
27.01	5,717
92.02	4,199
93.01	<u>3,088</u>
TOTAL	17,757

Exhibit accompanying Floor Amendment No. 2

DISTRICT 16

Deletions from District 16

<u>Census Tract</u>	<u>Black</u>	<u>Hispanic</u>
25	2,671	313
26	881	491
27.01	5,485	40
92.02	54	388
93.01	62	404
TOTAL	9,153	1,636

Additions to District 16

<u>Census Tract</u>	<u>Black</u>	<u>Hispanic</u>
2.02	13	322
3	14	462
7.02	111	389
196	4	40
197	12	42
198	15	55
TOTAL	169	1,310
	- 8,984	- 326

	<u>Population</u>	<u>Percent From Mean</u>	<u>Black</u>	<u>Percent</u>	<u>Hispanic</u>	<u>Percent</u>
Before	464,519	+1.21	31,936	6.88	36,755	7.91
After	464,731	+1.25	22,952	5.00	36,429	7.83
Difference	+ 212		- 8,984	- 1.88	- 326	- .08

Exhibit accompanying Floor Amendment No. 2

DISTRICT 23

Additions from District 23

<u>Census Tract</u>	<u>1980 Population</u>
25	3,062
26	1,691
27.01	5,717
92.02	4,199
93.01	3,088
TOTAL	<u>17,757</u>

Deletions to District 23

<u>Census Tract</u>	<u>1980 Population</u>
4.03	5,610
100	2,315
148.01	1,416
148.02	1,277
157	3,035
158	<u>2,474</u>
TOTAL	<u>16,127</u>

Exhibit accompanying Floor Amendment No. 2

DISTRICT 23

Deletions from District 23

<u>Census Tract</u>	<u>Black</u>	<u>Hispanic</u>
4.03	162	3,378
100	1,446	101
148.01	6	91
148.02	11	308
157	0	1,067
158	18	286
TOTAL	- 1,643	- 5,231

Additions to District 23

<u>Census Tract</u>	<u>Black</u>	<u>Hispanic</u>
25	2,671	313
26	881	491
27.01	5,485	40
92.02	54	388
93.01	62	404
TOTAL	+9,153	+1,636
	+7,510	- 3,595

	<u>Population</u>	<u>Percent From Mean</u>	<u>Black</u>	<u>Percent</u>	<u>Hispanic</u>	<u>Percent</u>
Before	462,389	+7.4	231,245	50.1	74,135	16.03
After	464,011	+1.10	238,755	51.0	70,540	15.2
Difference	+1,622		+7,510	+9	- 3,595	-.8

Senator Santiesteban offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 800 by transferring from District 25 to District 29 that part of El Paso County located in block group 1 of census tract 103.02 and block tracts 421-428 of block group 4 of census tract 103.02.

The amendment was read and was adopted.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 4

Add to 8 delete from 10 Dallas Co. Tracts

141.03	
141.04	27,559
143.01	
144.02	

Add to 10 delete from 8

145	
146	
147	29,343
149	
150	

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 800 by striking Sections 11 and 13 and placing in lieu thereof the following new Sections 11 and 13.

SECTION 11. District 10 is composed of that part of Dallas County located in census tracts 141.03, 141.04, 143.01, 144.01, 144.02, 151, 152.01, 152.02, 153.01, and 153.02; and that part of Tarrant County located in census tracts 1003, 1004, 1005.01, 1005.02, 1006.01, 1006.02, 1007, 1013.01, 1014.01, 1021, 1022.01, 1022.02, 1023.01, 1023.02, 1024.01, 1024.02, 1027, 1042.02, 1050.01, 1050.04, 1051, 1052, 1054.01, 1054.03, 1054.04, 1055.01, 1065.01, 1065.02, 1065.03, 1065.04, 1065.05, 1066, 1067, 1101.01, 1102.01, 1104.01, 1104.02, 1105, 1106.01, 1106.02, 1107.01, 1107.02, 1108.01, 1108.02, 1108.03, 1109.01, 1109.02, 1130, 1131, 1132.03, 1132.04, 1132.05, 1132.06, 1133.01, 1133.02, 1134.03, 1134.04, 1134.05, 1134.06, 1135.03, 1135.04, 1135.05, 1135.06, 1136.03, 1136.04, 1136.05, 1136.06, 1136.07, 1136.08, 1137.01, 1137.02, 1138.01, 1138.02, 1139, 1140.01, 1140.02, 1141, 1142.01, 1142.02, and 1216.01.

SECTION 13. District 12 is composed of that part of Tarrant County located in census tracts 1001.01, 1001.02, 1002.01, 1002.02, 1008, 1009, 1010, 1011, 1012.01, 1012.02, 1013.02, 1014.02, 1014.03, 1015, 1016, 1017, 1018, 1019, 1020, 1025, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036.01, 1036.02, 1037.01, 1037.02, 1038, 1039, 1040, 1041, 1042.01, 1043, 1044, 1045.01, 1045.02, 1045.03, 1046.01, 1046.02, 1046.03, 1046.04, 1046.05, 1047, 1048.01, 1048.02, 1049, 1053, 1055.02, 1055.03, 1055.04, 1056, 1057.01, 1057.02, 1058,

1059, 1060.01, 1060.02, 1060.03, 1061.01, 1061.02, 1062.01, 1062.02, 1063, 1064, 1101.02, 1102.02, 1103, 1110.01, 1110.03, 1110.04, 1111.01, 1111.02, 1112.01, 1112.02, 1113.01, 1113.02, 1114, 1115.03, 1115.04, 1115.05, 1115.06, 1115.07, 1115.08, 1115.09, 1115.10, 1216.04, 1216.05, 1216.06, 1216.07, 1217.01, 1217.02, 1218, 1219.01, 1219.02, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, and 1229.

The amendment was read.

On motion of Senator Mauzy and by unanimous consent, the amendment was withdrawn.

**VOTE BY WHICH AMENDMENT ADOPTED
TO C.S.S.B. 800 RECONSIDERED**

On motion of Senator Santiesteban and by unanimous consent, the vote by which Floor Amendment No. 3 to C.S.S.B. 800 was adopted was reconsidered.

Senator Santiesteban offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 800 by transferring from District 25 to District 29 that part of El Paso County located in block group 1 of census tract 103.02 and block tracts 421-428 of block group 4 of census tract 103.02 and block tract 207 of census tract 103.02.

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 800 to read as follows:

(1) Amend SECTION 7 by adding the following after "census tract 202" and before the period:

" , block 1 of census tract 202.99, blocks 307, 308, 309, 310, 311, block group 4 and block group 9 of census tract 209, and block 302 of census tract 214.01"

(2) Amend SECTION 9 by deleting "71.02" where it appears following 71.01 and before 72.

(3) Amend SECTION 10 by deleting "121 south of Buffalo Bayou," following census tracts and before 203.01; by inserting "337" after "336" and before "338"; by inserting "341, 342," after "340" and before "343.01"; by inserting after "and 432; and" the following "that portion of census tract 121 which is not in District 15, that portion of census tract 202 which is not in District 6, that portion of census tract 209 which is not in District 6, and that portion of census tract 214.01 which is not in District 6." and delete the remainder of the section.

(4) Amend SECTION 11 by deleting "1031" following "1020" and before "1032".

(5) Amend SECTION 13 by inserting "1031" following "1030" and before "1040."

(6) Amend SECTION 14 by inserting the following after "558.02;" "and that portion of census tract 445.02 in block group 4 and blocks 314, 315, 316, 317, 323, 324, and 334." and deleting the remainder of the section.

(7) Amend SECTION 16 by inserting the following after "532.02;" "and that portion of census tract 445.02 which is not in District 13; and blocks 805, 836, 840, 842, 844, 850, and 851 of census tract 121." and deleting the remainder of the section.

(8) Amend SECTION 17 by inserting "181.07," following "181.06," and before "181.10,;" by deleting "and" following "187," and before "188.02." and by inserting the following after "188.02":", 189, 190.06, 190.07, 190.08, 190.09, 190.13, and 190.14."

(9) Amend SECTION 23 by deleting "Hamilton," following "Erath," and before "Hood,".

(10) Amend SECTION 25 by inserting "Hamilton," following "Coryell," and before "Lampasas,".

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

(President in Chair)

The bill as amended was passed to engrossment by the following vote: Yeas 22, Nays 7.

Yeas: Blake, Brooks, Caperton, Doggett, Farabee, Harris, Jones, Kothmann, McKnight, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Truan, Uribe, Vale, Williams, Wilson.

Nays: Brown, Glasgow, Howard, Leedom, Mauzy, Meier, Travis.

Absent: Andujar, Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 800 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 800 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Harris, Howard, Jones, Kothmann, McKnight, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Doggett, Glasgow, Leedom, Mauzy, Meier, Travis.

Absent: Andujar.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

Yeas: Blake, Brooks, Caperton, Doggett, Farabee, Harris, Jones, Kothmann, McKnight, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Brown, Glasgow, Howard, Leedom, Mauzy, Meier, Travis.

Absent: Andujar.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

H.B. 1436

HOUSE BILL 697 REREFERRED

On motion of Senator Harris and by unanimous consent, **H.B. 697** was withdrawn from the Committee on Finance and rereferred to the Committee on Economic Development.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on **S.B. 425** by a non-record vote.

H.B. 1905, Relating to credit in the Employees Retirement System of Texas for certain federal service.

H.B. 2178, Relating to the disposition of a county's surplus or salvage property.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE HOUSE BILL 1400 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading: (On Thursday, May 21, 1981, the bill was set as Special Order for today.)

C.S.H.B. 1400, Relating to apportionment of the state into congressional districts.

The bill was read second time and was passed to third reading by the following vote: Yeas 14, Nays 14, Present-not voting 1.

Yeas: Blake, Caperton, Glasgow, Jones, Mauzy, McKnight, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Uribe.

Nays: Brooks, Brown, Doggett, Howard, Kothmann, Leedom, Meier, Mengden, Richards, Travis, Truan, Vale, Williams, Wilson.

Present-not voting: Harris.

Absent: Andujar, Farabee.

The President announced he would vote "Yea".

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on **H.B. 391** by a vote of 129 Ayes, 7 Nays, 2 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE PAGES EXCUSED

On motion of Senator Mauzy and by unanimous consent, the Senate Pages were excused for the remainder of today.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 415 ON SECOND READING

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 415, Relating to workers' compensation self-insurance and unfair or deceptive claims practices.

The motion was lost by the following vote: Yeas 15, Nays 14. (Not receiving two-thirds vote of Members present)

Yeas: Brown, Farabee, Howard, Jones, Leedom, Meier, Mengden, Ogg, Richards, Short, Snelson, Traeger, Travis, Vale, Wilson.

Nays: Blake, Brooks, Caperton, Doggett, Glasgow, Harris, Kothmann, Mauzy, McKnight, Parker, Sarpalius, Truan, Uribe, Williams.

Absent: Andujar, Santiesteban.

(Senator Meier in Chair)

SENATE BILL 516 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 516, Relating to the funding, establishment and operation of multipurpose service centers for displaced homemakers.

The bill was read second time.

Senator Ogg offered the following amendment to the bill:

Amend **S.B. 516** in the following manner Strike Section 3(b) and insert the following:

“(b) In addition to the above locations, the commissioner shall establish two other multipurpose service centers for displaced homemakers which shall be located in counties with a population of 500,000 or greater and a third center to be established in a county with a population of 400,000 but not greater than 500,000.

Strike Section 5 and insert the following:

SECTION 5. Section 7, Chapter 135, Acts of the 65th Legislature, Regular Session, 1977 (Article 695m, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 7. **FUNDING SOURCES.** In addition to legislative appropriations not to exceed \$50,000 per annum for each center from the Displaced Homemaker fund established by Article 3927a-1, Revised Civil Statutes of Texas, 1925, as amended, and from other funds (appropriation), the department shall explore all possible legal sources of funding for the pilot multipurpose service centers. The department shall explore all possible legal sources of funding for the pilot multipurpose service centers. The department may accept gifts, grants, and in-kind contributions from federal, local, and private sources and may use federal funds under Title 20, Social Security Act, 42 U.S.C. Section 1397 et seq. (1975), if they become available. The department shall seek contributions of building space, equipment, and services.”

The amendment was read and was adopted.

RECORD OF VOTE

Senator Howard asked to be recorded as voting “Nay” on the adoption of the amendment.

Senator Ogg offered the following amendment to the bill:

Amend **S.B. 516** by adding the following paragraph at the end of section 6, subsection 2:

For making a copy of the type described in the preceding item, if the copy is made by a photocopying machine, per page or portion thereof, not to exceed

\$1.00

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 18, Nays 11.

Yeas: Brooks, Caperton, Doggett, Farabee, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Sarpalius, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Brown, Glasgow, Harris, Howard, Jones, Leedom, Richards, Short, Snelson, Travis.

Absent: Andujar, Santiesteban.

(President in Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 1400 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 1400 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, McKnight, Meier, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Vale, Williams, Wilson.

Nays: Doggett, Leedom, Mauzy, Mengden, Truan.

Absent: Andujar, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 16, Nays 13.

Yeas: Blake, Caperton, Farabee, Glasgow, Howard, Jones, Mauzy, McKnight, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Uribe.

Nays: Brooks, Brown, Doggett, Harris, Kothmann, Leedom, Meier, Mengden, Travis, Truan, Vale, Williams, Wilson.

Absent: Andujar, Santiesteban.

MOTION TO PLACE SENATE BILL 516 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 516 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 9. (Not receiving four-fifths vote of Members present)

Yeas: Brooks, Caperton, Doggett, Farabee, Glasgow, Jones, Kothmann, McKnight, Meier, Mengden, Ogg, Parker, Sarpalius, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Brown, Harris, Howard, Leedom, Mauzy, Richards, Short, Travis.

Absent: Andujar, Santiesteban.

(Senator Farabee in Chair)

GUEST PRESENTED

Senator Brown was recognized and presented Congressman Ron Paul, representing the 22nd Congressional District of Texas.

Congressman Paul was welcomed and briefly addressed the Senate.

COMMITTEE SUBSTITUTE SENATE BILL 1041 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1041, Relating to the prevention and treatment of alcohol abuse and alcoholism and to the offense of public intoxication.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 1041** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 5561c, Vernon's Texas Civil Statutes), is revised to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1.01. **PURPOSE.** The purpose of this Act is to prevent broken homes and the loss of lives by creating the Texas Commission on Alcohol Addiction and Abuse. The commission shall coordinate the efforts of all interested and affected federal, state, and local agencies, develop and provide educational and preventive programs, and provide for intervention and treatment programs aimed at the recovery, rehabilitation, and successful reestablishment in society of alcoholics. Alcohol abuse is symptomatic of alcoholism, and alcoholism is recognized as an addictive illness and a public health problem affecting the general welfare and the economy of the state. Alcoholism is further recognized as a preventable or treatable illness, and the alcohol abuser and alcoholic are recognized as requiring treatment and rehabilitation. The need for proper and sufficient facilities, programs, and procedures for the prevention, intervention, and treatment of alcoholism is recognized. It is the policy of this state that intoxicated persons, alcohol abusers, and alcoholics shall be afforded a continuum of treatment that will enable them to lead normal lives as productive members of society. The procedure for commitment of alcoholics provided by this Act is not punitive, but it is a committal treatment of an illness affecting both the individuals involved and the public welfare.

Sec. 1.02. **SHORT TITLE.** This Act may be cited as the Texas Alcohol Services and Divergence Act.

Sec. 1.03. **DEFINITIONS.** In this Act:

(1) "Commission" means the Texas Commission on Alcohol Addiction and Abuse.

(2) "Alcoholic" means a person who is addicted to the drug alcohol to the extent that he has lost the power of self-control with respect to the use of alcoholic beverages.

(3) "Incapacitated by alcohol" means that a person, as a result of the abuse of or withdrawal from alcohol, is unconscious or has his judgment impaired to the extent that he is incapable of making a rational decision.

(4) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the abuse of alcohol but who does not appear to a reasonable person to be in need of medical attention and who is not a threat or has not committed physical harm to himself, to others, or to property.

(5) "Approved program" means any alcohol services program that meets commission standards for funding, certification, or licensing.

(6) "Designated person" means a person who performs, in part, the protective custody functions of a peace officer under this Act.

Sec. 1.04. **DESIGNATED PERSON.** (a) The commission shall establish qualifications for persons who serve as designated persons.

(b) A designated person must be bonded and insured.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 2.01. **COMMISSION COMPOSITION.** The commission is composed of six members appointed by the governor, with the advice and consent of the senate, for staggered six-year terms. To be eligible for appointment, a person must have knowledge of and an interest in the subject of alcohol abuse and alcoholism. One member must be a physician, and three members must have had personal experience with excessive use of alcohol.

Sec. 2.02. **OFFICERS.** The members of the commission shall annually elect a chairman and a vice-chairman from among the commission members. The members may either elect a secretary from among the members or designate the executive director as the secretary.

Sec. 2.03. **EXECUTIVE DIRECTOR.** (a) The commission shall employ as executive director a professional with training and experience in the field of alcohol abuse and alcoholism.

(b) The executive director shall hire employees he considers necessary to fulfill the purposes of the commission.

Sec. 2.04. **MEETINGS, TRAVEL, AND COMPENSATION.** The commission shall meet quarterly at the call of the chairman or at the request of three members. The commission may authorize its members to travel within this state and in other states, not to exceed 24 days in a fiscal year, to carry out its duties under this Act. This limitation does not apply to days spent traveling to or from or attending a meeting of the commission. The commission members are entitled to receive \$20 a day plus actual and necessary expenses for attending the meetings and for travel.

Sec. 2.05. **FUNDS FOR PROGRAMS.** (a) The cost of financing the operations of the commission shall be borne with funds appropriated by the legislature and other available funds.

(b) The commission is designated as the state agency to receive and administer federal funds for alcohol abuse and alcoholism.

(c) The commission may solicit and accept gifts, grants, and donations of money and property.

Sec. 2.06. **SUNSET PROVISION.** The Texas Commission on Alcohol Addiction and Abuse is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the commission is abolished, and this Act expires effective September 1, 1985.

SUBCHAPTER C. GENERAL FUNCTIONS

Sec. 3.01. **DUTIES AND FUNCTIONS.** The commission shall:

(1) carry on a continuing study of the problems of alcohol abuse and alcoholism in this state, and seek to focus public attention on those problems;

(2) specify uniform methods for keeping statistical information on alcohol abuse and alcoholism by agencies, organizations, and individuals, and collect and make available relevant statistical information;

(3) develop, coordinate, and implement statewide, regional, and local plans and programs of alcohol abuse and alcoholism prevention, intervention, treatment, and rehabilitation in cooperation with agencies, organizations, and individuals, and provide technical assistance, funds, and consultation services for those purposes;

(4) establish cooperative relationships with and enlist the assistance of other state and local agencies, hospitals, clinics, public health, welfare, and law enforcement authorities, educational and medical agencies and organizations, other related public and private groups, and individuals; and

(5) encourage general hospitals and other appropriate health facilities to admit alcoholics and intoxicated persons on a nondiscriminatory basis and to provide them with adequate and appropriate treatment.

Sec. 3.02. **COMPREHENSIVE SYSTEM.** (a) The commission shall establish a comprehensive and coordinated system of alcohol abuse and alcoholism prevention, intervention, treatment, and rehabilitation services.

(b) All appropriate public and private resources shall be coordinated with and used in the system if possible.

Sec. 3.03. **COOPERATION BY OTHER DEPARTMENTS.** (a) To effect the purposes of this Act and to make maximum use of existing facilities and personnel, each department or agency of this state and each officer and employee of the state, when requested by the commission, shall cooperate with the commission in all appropriate activities.

(b) This section does not give the commission control over existing facilities, institutions, or agencies or require the facilities, institutions, or agencies to serve the commission inconsistently with their functions, with the authority of their offices, or with the laws and rules governing their activities. This section does not give the commission power to make use of any private institution or agency without its consent or to pay a private institution or agency for services that a public institution or agency is willing and able to adequately perform.

Sec. 3.04. **RULES.** The commission shall establish policies and adopt rules appropriate to the accomplishment of its functions under this Act and to the allocation of its funds.

Sec. 3.05. **TREATMENT.** The commission shall provide for adequate and appropriate treatment for alcoholics and intoxicated persons admitted to a program under this Act. Treatment may not be provided at a correctional institution except for inmates.

Sec. 3.06. **LIST OF PROGRAMS.** (a) The commission shall maintain a list of all approved programs.

(b) The commission shall prepare, publish, and distribute a list of all approved treatment programs annually.

SUBCHAPTER D. APPROVAL, LICENSING, AND CERTIFICATION

Sec. 4.01. **APPROVAL FOR FUNDING.** (a) A person may apply for funds from the commission to administer a program to provide alcohol abuse and alcoholism prevention, intervention, treatment, or rehabilitative services.

(b) The commission shall establish criteria and adopt standards for funding programs under this Act.

(c) An applicant who is denied funds is entitled to a hearing before the commission under rules adopted by the commission.

Sec. 4.02. **LICENSING AND CERTIFICATION.** (a) A person who operates a facility that treats alcoholics may obtain a license issued under this subchapter.

(b) A person who operates a facility that treats alcoholics may obtain a certificate under this subchapter to receive court commitments under this Act.

Sec. 4.03. **APPLICATION.** An applicant for a license or certificate must:

- (1) file a written application on a form prescribed by the commission;
- (2) cooperate with the inspection of the facility; and
- (3) submit a fee in the amount prescribed by the commission.

Sec. 4.04. **ISSUANCE.** The commission shall issue a license or certificate to a person who has:

- (1) complied with the application requirements of Section 4.03 of this subchapter; and
- (2) received approval of the facility after an on-site inspection.

Sec. 4.05. **RENEWAL.** (a) A license or certificate issued under this subchapter expires one year from the date of issue.

(b) A renewal license or certificate shall be issued on receiving a completed application form prescribed by the commission before the expiration date of the license or certificate.

(c) The commission may require an inspection before renewing a license or certificate.

(d) The commission may charge a reasonable fee for the issuance of a renewal license or a renewal certificate.

Sec. 4.06. **INSPECTIONS.** (a) The commission may enter on the premises at reasonable times to make an inspection necessary to license or certify or renew a license or certificate for a facility.

(b) The commission shall inspect each facility licensed, certified, or approved by the commission at least once a year. An inspection may involve consideration of all facility records and any facts, conditions, or circumstances relevant to the operation of the facility and its program and consideration of the facility's compliance with the licensing or certification standards adopted by the commission.

(c) The commission may charge a reasonable fee for a mandatory inspection.

Sec. 4.07. **RULES AND STANDARDS.** (a) The commission shall adopt rules for licensing and certifying facilities under this subchapter.

(b) The commission shall adopt licensing standards concerning:

- (1) the construction of the facility, including plumbing, heating, lighting, ventilation, and other housing conditions that ensure the health, safety, and comfort of residents;
- (2) the sanitary conditions of the facility and the surrounding area, including water supply, sewage disposal, food handling, and general hygiene;
- (3) the equipment needed for adequate care and treatment;
- (4) the diet required by the needs of residents, based on good nutritional practice; and

(5) the qualifications of all staff and personnel, including management and nursing personnel, having responsibility for any part of the care given to residents.

(c) The commission shall adopt certification standards concerning:

- (1) the security of the facility's physical plant;
- (2) the specialized program of treatment to be offered by the facility; and
- (3) the qualifications of treatment staff and personnel.

(d) The commission may adopt additional rules for licensed or certified facilities concerning the treatment and care of alcoholics and alcohol abusers.

Sec. 4.08. DENIAL OR REVOCATION. (a) The commission may deny, revoke, or refuse to renew a license or certificate if the applicant or holder of the license or certificate fails to comply with the provisions of this Act or the rules and standards of the commission adopted under this subchapter.

(b) A person who is denied a license or certificate or whose license or certificate is revoked or not renewed is entitled to a hearing on the question of the issuance of the license or certificate and is entitled to notice of the date, time, and place of the hearing not later than 21 days before the date of the hearing. A request for a hearing must be made during the 30-day period following the date on which the applicant or the holder of a license or certificate received notice that the license or certificate was denied or that it was to be revoked or refused renewal.

(c) Except as provided in Subsection (e) of this section, revocation of a license or certificate or an order refusing to renew a license or certificate does not take effect until the expiration of 30 days following the date on which the holder of the license or certificate received notice of the revocation or order of refusal to renew the license or certificate.

(d) If after a hearing the license or certificate is denied, revoked, or not renewed, the commission shall send to the applicant or holder of the license or certificate a copy of its findings and grounds for its decision.

(e) The commission may revoke a license or certificate to be immediately effective in a situation where health or safety requires action. The commission must immediately notify the holder and provide an opportunity for a hearing within 14 days after the action takes effect.

(f) The Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) applies to all hearings authorized by this subchapter.

Sec. 4.09. INJUNCTIONS. (a) The commission may petition a district court to restrain a person who falsely represents a facility as licensed or certified under this subchapter. A suit for injunctive relief must be brought in Travis County.

(b) On application for injunctive relief and a finding that a person is falsely representing a facility as licensed or certified under this subchapter, the district court shall grant the injunctive relief the facts may warrant.

(c) At the request of the commission, the attorney general shall institute and conduct the suit authorized in Subsection (a) of this section in the name of the State of Texas.

Sec. 4.10. WAIVER. The commission may, on application and payment of fees, waive any license requirement for a person licensed by another state agency or accredited by the Joint Commission on Accreditation of Hospitals under standards relevant to the provision of services to alcoholic persons.

Sec. 4.11. DISPOSITION OF FUNDS. All fees collected under this Act shall be deposited with the state treasurer in trust and may be used, without legislative appropriation, by the commission for the administration of this Act.

SUBCHAPTER E. VOLUNTARY TREATMENT

Sec. 5.01. **ADMISSION FOR VOLUNTARY TREATMENT.** (a) The administrator of an approved treatment program may admit an alcoholic for voluntary treatment. If a person is refused admission, the administrator shall refer the person to another approved treatment program or to a designated person if possible and appropriate.

(b) The application of an alcoholic to an approved treatment program may be by the alcoholic, whether adult or minor, or by the parent, legal guardian, or other legal representative if the alcoholic is a minor. Application for an incompetent patient may be made by the parent, spouse, guardian, relative, or next friend.

Sec. 5.02. **ADVISING OF PATIENT'S RIGHTS.** Immediately after admission of a voluntary patient to an approved treatment program, appropriate staff shall inform the patient and any relative or friend who accompanies him to the treatment program, in simple, nontechnical language, of:

- (1) his right to leave the program at any time on request;
- (2) the fact that his civil rights and legal capacity are not affected by his admission as a voluntary patient; and
- (3) the rights of alcoholics and intoxicated persons set forth in this Act.

Sec. 5.03. **RIGHT TO RELEASE.** (a) An alcoholic receiving voluntary treatment from an approved treatment program shall be released on request of discharge. If the patient is a minor, the request for discharge may be by the original applicant or by the parent, legal guardian, or other legal representative of the patient.

(b) If a patient receiving inpatient care leaves an approved treatment program, the patient shall be encouraged to consent to appropriate outpatient or intermediate treatment.

SUBCHAPTER F. EMERGENCY TREATMENT

Sec. 6.01. **CONSENT FOR ASSISTANCE.** An intoxicated person may come voluntarily to an approved treatment program for emergency treatment. Any peace officer, or designated person, at the request of a peace officer, may assist a person who appears to be intoxicated in a public place and to be in need of help to his home, to an approved treatment program, or to another health facility, if the person consents.

Sec. 6.02. **PROTECTIVE CUSTODY.** (a) A peace officer may place under protective custody a person who appears to be incapacitated by alcohol.

(b) When a peace officer chooses to place a person under protective custody rather than arrest, except as otherwise provided by this section, the peace officer shall either take the person to an approved treatment program for emergency treatment or request a designated person to bring the person to the program for emergency treatment.

(c) If an approved treatment program is not readily available or if, in the judgment of the peace officer, or designated person, the person is in need of emergency medical treatment, the peace officer, or designated person, shall take the person to an emergency medical facility.

(d) If an approved treatment program or an emergency medical facility is not available, the person may be detained in a jail or similar facility. When taking a person to jail under this subsection, the peace officer shall notify the nearest appropriate and readily available approved treatment program, and the program must provide treatment or arrange transportation to the program as soon as possible. A person may be detained in jail under this subsection only as long as may be necessary to prevent injury to himself or others. The detention may not exceed a period of eight hours. Detention under this subsection does not affect detention of a person that has occurred as a result of a violation of criminal statutes.

(e) The peace officer, or designated person, in detaining a person under this section, is holding the person under protective custody and shall make every reasonable effort to protect the person's health and safety. In placing the person under protective custody the peace officer may search the person for and seize any weapons. Placement under protective custody under this section is not an arrest.

(f) Any peace officer, designated person, or employee of an approved treatment program or employee of a political subdivision, or a political subdivision that acts in compliance with this subchapter is acting in the course of official and public duty and is not criminally or civilly liable for his actions.

Sec. 6.03. CUSTODY TRANSFER. A person brought to an approved treatment program or medical facility under this subchapter is considered to be under protective custody of the program or facility after the peace officer, or designated person, has filled out and signed a custody transfer form prescribed by the commission.

Sec. 6.04. EMERGENCY TREATMENT SERVICES. (a) A person taken to an approved treatment program for emergency treatment must be examined by trained staff as soon as practicable in accordance with procedure developed by the program in consultation with a licensed physician. The person may then be admitted as a patient or referred to another facility.

(b) If a referral is made, the referring program shall arrange for transportation to the other facility.

(c) If the person is not admitted or referred and has no funds, he may be taken to his home. If he has no home, the program may assist him in obtaining shelter.

Sec. 6.05. DETENTION IN APPROVED PROGRAM. (a) A person found to be incapacitated by alcohol at the time of admission or to have become incapacitated following his admission to an approved treatment program may not be detained at the program under this subchapter after he is no longer incapacitated by alcohol or undergoing withdrawal symptoms or after the third day (exclusive of weekends and holidays) of detention, whichever occurs first.

(b) A person may consent to remain in the program as long as the physician or staff in charge believes appropriate.

SUBCHAPTER G. EMERGENCY COMMITMENT

Sec. 7.01. APPLICATION FOR EMERGENCY COMMITMENT.

(a) A spouse, guardian, or relative of the person to be committed or any other responsible person may make a written application to any magistrate for emergency commitment of an intoxicated person who is incapacitated by alcohol or who has threatened, attempted, or inflicted physical harm on himself or on another and is likely to inflict physical harm on himself or on another unless committed. A refusal to undergo treatment is not evidence of lack of judgment of need for treatment.

(b) The application must provide facts to support the need for emergency treatment, and it must be accompanied by at least one affidavit that states with particularity the factual basis for the allegations contained in the application.

Sec. 7.02. ADMISSION AND DISCHARGE. (a) On approval of the application by the court, the person shall be brought to a certified facility by a peace officer, health officer, the applicant for commitment, the patient's spouse, the patient's guardian, or any other interested person. The person shall be retained at the facility or transferred to another certified treatment facility until discharged.

(b) A copy of the application and a written explanation of the person's right to counsel shall be given to the person within 12 hours after commitment.

(c) The facility shall discharge the person when the staff determines that the grounds for emergency commitment no longer exist, but in no event may the person be detained for less than 24 hours or more than 5 days following the issuance of a court order unless a petition for involuntary commitment has been filed and the staff determines that the grounds for commitment still exist. A person may not be detained longer than 10 days following the day on which the application for involuntary commitment is filed.

SUBCHAPTER H. INVOLUNTARY COMMITMENT

Sec. 8.01. APPLICATION FOR INVOLUNTARY COMMITMENT.

(a) A sworn application for involuntary commitment or recommitment of an alcoholic to the custody of the commission, or a certified facility, may be filed with the county court of the county in which the proposed patient resides or is present.

(b) The application may be made by the proposed patient's spouse or guardian, a relative, the certifying physician, next friend, or the administrator of an approved treatment program.

(c) The application must allege that:

- (1) the person is incapacitated by alcohol and is in need of treatment; or
- (2) the person:

(A) is an alcoholic who habitually lacks self-control in the use of alcoholic beverages;

(B) within the 12-month period preceding the application, has threatened, attempted, or inflicted harm on himself or on another, or to property; and

(C) is likely to inflict harm on himself or on another, or to property, unless committed.

Sec. 8.02. PHYSICIAN'S CERTIFICATE. (a) The application for involuntary commitment must be accompanied by a physician's certificate that states that he has examined the person within five days preceding the day on which the application is submitted. The certificate must include the physician's findings in support of the allegations in the application.

(b) If the person whose commitment is sought refuses to submit to a medical examination, the fact of refusal must be alleged in the application. A refusal to undergo treatment is not evidence of lack of judgment.

Sec. 8.03. NOTICE REQUIRED FOR INVOLUNTARY COMMITMENT OR RECOMMITMENT. (a) If an application for involuntary commitment or recommitment of an alcoholic is filed, the court shall fix a date for a hearing not later than the 10th day after the date the application was filed. A copy of the application, physician's certificate, and notice of the hearing, including the date fixed by the court, shall be served on:

- (1) the applicant;
- (2) the person whose commitment is sought;
- (3) his next of kin other than the applicant;
- (4) a parent or legal guardian if the person is a minor;
- (5) the administrator of the certified facility to which the person has been committed for emergency care; and

(6) any other person the court believes advisable.

(b) As a part of the notice, the court shall inform the person whose commitment or recommitment is sought of his right:

- (1) to contest the application;
- (2) to be represented by counsel at every stage of any proceedings relating to his commitment and recommitment; and
- (3) to have counsel provided by the court if he wants the assistance of counsel and is unable to obtain counsel.

Sec. 8.04. **APPOINTMENT OF COUNSEL.** If the court believes that the person needs the assistance of counsel, the court shall require counsel for him regardless of his wishes.

Sec. 8.05. **MEDICAL EXAMINATION.** The person whose commitment or recommitment is sought shall be informed of his right to be examined by a licensed physician of his choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

Sec. 8.06. **HEARING ON APPLICATION.** At the hearing on involuntary commitment or recommitment, the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court finds that his presence is likely to be injurious to him. If the person is not present, the court shall appoint a guardian ad litem to represent the person throughout the proceeding. The court shall examine the person in open court or, if advisable, in chambers.

Sec. 8.07. **DIAGNOSTIC EXAMINATION.** If the person has refused to be examined by a licensed physician, he shall be given an opportunity to be examined by a court-appointed licensed physician. If he refuses and there is sufficient evidence to believe that the allegations of the application are true, or if the court finds that more medical evidence is necessary, the court may make a temporary order committing the person to the commission, or a certified facility, for a period not to exceed five days for purposes of a diagnostic examination.

Sec. 8.08. **ORDER ON HEARING.** If after hearing all relevant evidence the court finds that grounds for involuntary commitment have been established by clear and convincing proof, it shall make an order of commitment to the commission, or a certified facility. The court may not order commitment of a person unless the court and the commission, or a certified facility, determine that the commission, or the certified facility, is able to provide adequate and appropriate treatment for the person and that the treatment is likely to be beneficial.

Sec. 8.09. **APPEAL.** (a) A person ordered involuntarily committed or recommitted may appeal by filing written notice with the county court not later than the 30th day after the date of the order for commitment or recommitment.

(b) The appeal from the county court to the district court shall be by trial de novo as that term is used in appeals from a justice court to a county court.

(c) An appeal under this section shall be expedited on the docket.

Sec. 8.10. **TREATMENT AND TRANSFER.** (a) The commission, or a certified facility, shall provide for adequate and appropriate treatment of a person committed to its custody. The commission, or the certified facility, may transfer any person committed to its custody from one certified facility to another if transfer is medically advisable.

(b) If another certified facility agrees with the request of a competent patient or parent, sibling, adult child, or guardian of the patient to accept the patient for treatment, the administrator of the certified facility having custody of the patient shall transfer him to the other certified facility.

Sec. 8.11. **DISCHARGE OR RECOMMITMENT.** (a) A person committed under this subchapter to the custody of the commission, or a certified facility, for treatment shall be discharged if:

(1) the grounds for commitment under Section 8.01(c)(1) or (c)(2)(C) of this Act no longer exist; and

(2) the treatment is no longer appropriate.

(b) A person committed under this subchapter may remain in the custody of the commission, or a certified facility, for treatment for a period not to

exceed 45 days. If the person has not been discharged by the end of the 45-day period, he shall be discharged automatically unless, before expiration of the period, the commission, or the certified facility, obtains a court order for his recommitment on the grounds set forth in Section 8.01(c) of this Act, for a further period not to exceed 90 days. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the commission, or the certified facility, shall apply for recommitment if after examination it is determined that the likelihood still exists.

(c) A person recommitted under Subsection (b) of this section who has not been discharged by the commission, or the certified facility, before the end of the 90-day period shall be discharged at the expiration of that period unless before expiration of the period the commission, or the certified facility, obtains a court order on the grounds set forth in Section 8.01(c) of this Act for recommitment for a further period not to exceed 90 days. If a person has been committed because he is an alcoholic likely to inflict physical harm on himself, on another, or to property, the commission, or the certified facility, shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under this section are permitted.

(d) After the filing of an application for recommitment under this section, the court shall fix a date for hearing not later than the 10th day after the date the application was filed.

Sec. 8.12. COSTS OF COMMITMENT AND SUPPORT. The laws relating to the costs of commitment and support, and to securing reimbursement of actual costs that are applicable to the commitment of mentally ill persons to state hospitals apply to each item of expense incurred by the state in connection with the commitment, care, custody, treatment, and rehabilitation of any person receiving care and treatment under this subchapter.

Sec. 8.13. ALTERNATIVE COMMITMENT BY COURT. If the judge of any court finds a person guilty of a misdemeanor resulting from or related to the person's abuse of alcohol, the judge may remand the person to the commission or to an approved treatment program for care and treatment for a period not to exceed 90 days, instead of the imposition of a sentence or fine, if:

- (1) the person is at least 18 years of age;
- (2) an approved program is available to treat the person; and
- (3) the commission has informed the court that the program will receive persons as patients under this section. A person who, in the opinion of the court, has exhibited definite criminal tendencies or is mentally ill is not eligible for commitment under this section. An order of commitment by the court is a final conviction, and an appeal from the order may be taken in the same manner as provided for appeals from any other judgment of that court.

SUBCHAPTER I. MISCELLANEOUS PROVISIONS

Sec. 9.01. ACCEPTANCE INTO APPROVED TREATMENT PROGRAM. The rules for acceptance of an individual into an approved treatment program shall be based on the following guidelines:

- (1) if possible, a person shall be treated on a voluntary basis;
- (2) a person shall be initially assigned or transferred to outpatient treatment or intermediate treatment unless he is found to require inpatient treatment;
- (3) a person may not be denied treatment in an approved treatment program solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment;
- (4) a separate treatment plan must be prepared and maintained on a current basis for each patient; and

(5) provision must be made for a continuum of coordinated treatment services, so that a person who leaves a program or a form of treatment will have available other appropriate treatment.

Sec. 9.02. **RIGHTS OF ALCOHOLICS AND INTOXICATED PERSONS.** (a) If an incapacitated person is taken into protective custody, the peace officer or designated person shall record the date, time, place, and disposition of the custody. For the purposes of criminal records, this custody is not considered an arrest.

(b) The registration and other records of treatment programs shall remain confidential and are privileged in accordance with federal regulations. The commission may make available information from patients' records for purposes of research into the causes and treatment of alcoholism. Information released for research may not be published in a way that discloses patients' names or other identifying information.

(c) Subject to reasonable rules regarding hours of visitation and consistent with an effective treatment program, patients in an approved treatment program shall be granted opportunities for adequate consultation with counsel and for continuing contact with family and friends.

(d) Mail and other forms of communication to or from a patient in an approved treatment program may not be intercepted, read, or censored.

(e) An approved treatment program shall promptly notify a patient's family or next of kin of the patient's admission. The program shall respect a request for no notification from an adult admitted for emergency treatment.

Sec. 9.03. **LIMITATIONS ON LAWS.** (a) This Act does not affect any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons.

Sec. 9.04. **LIABILITY OF FACILITIES.** Programs and facilities providing services under this Act are not civilly liable in cases of negligence or criminally liable in cases of criminal negligence.

Sec. 9.05. **REPORTS.** The administrator of an approved program shall file reports with the commission pursuant to commission rules.

SECTION 2. The legislature, recognizing the tremendous cost to this state and its citizens, because of the abuse of alcohol and alcoholism, and further recognizing that approximately \$200 million is collected through alcoholic beverage taxes by the State of Texas each year, declares its intent that a portion of that money be spent for treatment, rehabilitation, prevention, and education in the field of alcohol abuse and alcoholism.

SECTION 3. (a) The name of the Texas Commission on Alcoholism is changed to the Texas Commission on Alcohol Addiction and Abuse.

(b) The members appointed to the Texas Commission on Alcoholism before the effective date of this Act serve for the duration of the terms for which they were appointed as members of the Texas Commission on Alcohol Addiction and Abuse.

(c) Any reference in law to, or appropriation for, the Texas Commission on Alcoholism applies to the Texas Commission on Alcohol Addiction and Abuse.

SECTION 4. Chapter 398, Acts of the 52nd Legislature, Regular Session, 1951 (Article 3196c, Vernon's Texas Civil Statutes), and Chapter 553, Acts of the 65th Legislature, Regular Session, 1977 (Article 5561cc, Vernon's Texas Civil Statutes), are repealed.

SECTION 5. This Act takes effect September 1, 1981.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1041 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1041 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Travis.

Absent: Andujar, Santiesteban.

The bill was read third time and was passed.

HOUSE BILL 1801 ON SECOND READING

Senator Short asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1801, Relating to the territory, powers, and financing of the Colorado River Municipal Water District, and the relationships of other persons and governmental entities with the district.

There was objection.

Senator Short then moved to suspend the regular order of business and take up **H.B. 1801** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Blake, Brooks, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Williams.

Nays: Doggett, Vale, Wilson.

Absent: Andujar, Brown, Santiesteban.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Wilson and Doggett asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1801 ON THIRD READING

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1801** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Blake, Brooks, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Short, Snelson, Traeger, Travis, Truan, Uribe, Williams.

Nays: Doggett, Vale, Wilson.

Absent: Andujar, Brown, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 3. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 903 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 903, Relating to notice to consumers, titles, taxation, and classification of manufactured housing; providing penalties.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Amend **C.S.H.B. 903** in the three respects as follows:

1. Amend Section 3 of **C.S.H.B. 903** by deleting the phrase "Sections 19 and 20" on line 28 of page 1 of the printed bill and substitute therefor the phrase "Section 19"; and
2. Amend Section 4(d) of **C.S.H.B. 903** by deleting the language on lines 60 and 61 on page 5 of the printed bill and substitute therefor:

"this section, be evidence of wanton disregard for the health and safety of the consumer; compliance with such notice provisions and standards shall be evidence that the home is habitable and that the manufacturer and retailer had due regard for the health and safety of the consumer."; and

3. Amend Section 4(c)(2) by deleting the phrase "residential structures" on line 26 of page 5 of the printed bill and substitute therefor the phrase "manufactured housing".

The amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 903 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 903 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Andujar, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Andujar, Sarpalius.

HOUSE BILL 1838 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1838, Relating to the definition of the place of business of a retailer under local sales and use taxes.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **H.B. 1838** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Article 2 and Section 6 of Article 1, Chapter 624, Acts of the 66th Legislature, Regular Session, 1979, are repealed.

SECTION 2. Section 11B, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Civil Statutes), is amended by adding a new Subparagraph (6) to Paragraph (c) of Subsection (B) to read as follows:

(6) There are exempted from the sales taxes imposed by this article receipts from any sale of tangible personal property which, pursuant to the contract of sale, is shipped to a point outside the authority area by the retailer by means of:

- (a) facilities operated by the retailer;
- (b) delivery by the retailer to a carrier for shipment to a consignee at such point; or
- (c) delivery by the retailer to a customs broker or forwarding agent for shipment outside the authority.

If the tangible personal property exempted under this subparagraph or under Paragraph (F) of Section 16(f)(2) of Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil

Statutes), is shipped or delivered directly to a purchaser in another authority that has adopted the taxes imposed under either article, the tangible personal property is subject to the use tax imposed by Subsection (A) of this section.

SECTION 3. Section 16, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), is amended by adding a new Paragraph (F) to Subdivision (2) of Subsection (f) read as follows:

(F) There are exempted from the sales taxes imposed by this article receipts from any sale of tangible personal property which, pursuant to the contract of sale, is shipped to a point outside the authority area by the retailer by means of:

- (a) facilities operated by the retailer;
- (b) delivery by the retailer to a carrier for shipment to a consignee at such point; or
- (c) delivery by the retailer to a customs broker or forwarding agent for shipment outside the authority.

If the tangible personal property exempted under this paragraph or under Subparagraph (6) of Section 11B(B)(c) of Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Civil Statutes), is shipped or delivered directly to a purchaser in another authority that has adopted the taxes imposed by either article, the tangible personal property is subject to the use tax imposed by Subdivision (1) of Subsection (f) of this section.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1838 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1838 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mauzy.

Absent: Andujar, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

HOUSE BILL 1192 ON SECOND READING

Senator Howard moved to suspend the regular order of business to take up for consideration at this time:

H.B. 1192, Relating to creation of the State Personnel Standards Board.

The motion prevailed by the following vote: Yeas 22, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Williams, Wilson.

Nays: Doggett, Mauzy, McKnight, Truan, Uribe, Vale.

Absent: Andujar, Parker, Santiesteban.

The bill was read second time.

Senator Doggett requested a full reading of the bill.

The Secretary of the Senate began to read the bill in its entirety.

Senator Howard moved to dispense with the full reading of the bill.

The motion prevailed by the following vote: Yeas 22, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Williams, Wilson.

Nays: Doggett, Mauzy, McKnight, Truan, Uribe, Vale.

Absent: Andujar, Parker, Santiesteban.

Senator Howard offered the following committee amendment to the bill:

Amends **H.B. 1192** by striking Section 16 in its entirety and substituting in lieu thereof the following:

"SECTION 16. This Act expires effective August 31, 1983."

The committee amendment was read.

Senator Howard offered the following amendment to the pending committee amendment:

Amend C.A. No. 1 to read as follows:

Amend House Bill 1192 by striking Section 16 in its entirety and substituting in lieu thereof the following:

SECTION 16. APPLICATION OF SUNSET ACT. The board is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the board is abolished and this Act expires effective August 31, 1985.

The amendment to the pending committee amendment was read and was adopted by the following vote: Yeas 21, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Williams, Wilson.

Nays: Doggett, Mauzy, McKnight, Truan, Uribe, Vale.

Absent: Andujar, Meier, Parker, Santiesteban.

Question recurring on the adoption of the pending committee amendment as amended, the pending committee amendment as amended was adopted.

Senator Howard offered the following committee amendment to the bill:

Amend **H.B. 1192** as follows:

(1) Strike Sections 4 and 5 of the bill and substitute the following:

SECTION 4. MEMBERSHIP. The board is composed of three members appointed by the governor and three members appointed by the lieutenant governor. Each member must have proven management or personnel experience. In making appointments to the board, the governor and lieutenant governor shall consider the racial and ethnic characteristics of this state.

SECTION 5. TERMS. Members of the board hold office for terms of two years, with the terms of the governor's appointees and of the lieutenant governor's appointees expiring on August 31, 1983.

(2) Strike Subsection (a) of Section 7 of the bill and substitute the following:

(a) The governor annually shall designate the chairman of the board from among his appointees to the board.

(3) Strike Section 17 of the bill in its entirety.

The committee amendment was read.

Senator Mauzy offered the following amendment to the pending committee amendment:

Amend Committee Amendment No. 2 by striking the words "The governor" and substitute therefor the words "The Speaker of the House of Representatives" on the second line of the amendment and line 5 of the committee amendment.

The amendment to the pending committee amendment was read.

Question - Shall the amendment to the pending committee amendment be adopted?

Senator Howard moved to table the amendment.

Senator Howard raised the Point of Order that a motion to table was not a debatable motion.

The Presiding Officer (Senator Farabee in Chair) ruled that Senate Rule 17 provides that no debate shall be allowed on a motion to lay on the table.

(President in Chair)

Senator Doggett raised a Point of Order on further consideration of the bill, stating there was no fiscal note on the bill nor an actuarial letter addressed to the Committee chairman.

Senator Doggett withdrew the Point of Order.

HOUSE BILL 1192 POSTPONED

On motion of Senator Howard and by unanimous consent, further consideration of **H.B. 1192** was postponed until the conclusion of Morning Call on Tuesday, May 26, 1981.

LEAVE OF ABSENCE

Senator Short was granted leave of absence for the remainder of today on account of important business on motion of Senator Caperton.

COMMITTEE SUBSTITUTE SENATE BILL 983 ON SECOND READING

The Senate resumed consideration of **C.S.S.B. 983** on its second reading and passage to engrossment with an amendment by Senator Truan pending.

Question - Shall the amendment be adopted?

Senator Vale raised a Point of Order on further consideration of the bill, stating there was not a current fiscal note attached to the bill.

The President advised a current fiscal note was placed in each Member's desk today.

Senator Vale withdrew the Point of Order.

Senator Brown moved the Previous Question on the consideration of the pending floor amendment and passage of the bill to engrossment.

The motion was seconded by Senators Meier, Mengden, Leedom, Richards and Sarpalius.

Senator Truan raised a Point of Order that there was not a quorum of Members present.

The President advised the last roll call reflected a quorum present.

Senator Meier raised the Point of Order that the Point of Order by Senator Truan caused him to yield the floor.

The President ruled when a Member has the floor and is speaking on a bill or resolution, he may make a Parliamentary Inquiry but not raise a Point of Order without yielding the floor; that the question next would be on the adoption of the pending amendment and passage to engrossment.

The Previous Question was ordered by the following vote: Yeas 12, Nays 10.

Yeas: Blake, Brown, Harris, Howard, Jones, Leedom, Meier, Mengden, Ogg, Richards, Sarpalius, Travis.

Nays: Caperton, Doggett, Farabee, Kothmann, McKnight, Truan, Uribe, Vale, Williams, Wilson.

Absent: Andujar, Brooks, Glasgow, Mauzy, Parker, Santiesteban, Snelson, Traeger.

Absent-excused: Short.

Question recurring on the adoption of the pending amendment by Senator Truan, the roll call reflected the following: Yeas 2, Nays 17.

Yeas: Doggett, Kothmann.

Nays: Blake, Brown, Caperton, Farabee, Harris, Howard, Jones, Leedom, Meier, Mengden, Ogg, Richards, Sarpalius, Travis, Uribe, Williams, Wilson.

Absent: Andujar, Brooks, Glasgow, Mauzy, McKnight, Parker, Santiesteban, Snelson, Traeger, Truan, Vale.

Absent-excused: Short.

The President announced the roll call reflected the lack of a quorum.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 724 - By Doggett: Extending congratulations to the Crockett High School band for its record of musical accomplishment.

S.R. 726 - By Kothmann: Proclaiming the week of June 7, 1981, through June 13, 1981, as "Justices of the Peace and Constables Awareness Week".

ADJOURNMENT

On motion of Senator Doggett the Senate at 6:55 o'clock p.m. adjourned until 9:30 o'clock a.m. tomorrow.

Sent to Governor
(May 22, 1981)

S.B. 191

S.B. 323

SEVENTY-SIXTH DAY
(Saturday, May 23, 1981)

The Senate met at 9:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Andujar, Parker, Santiesteban.

A quorum was announced present.

Senator Kent Caperton offered the invocation as follows:

Oh, God, our Father, Thou searcher of hearts, help us to draw near to Thee in sincerity and truth, diminish our hypocrisies, and forgive us during these final days when, through the pressures and the shortness of tempers, we might say and do things that might not be pleasing to Thee. We would ask Thy guidance and direction and hope that that might give us our wisdom as we make these decisions during these final days of this Session. These things that we ask in Thy name. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Andujar was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Snelson.

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Truan.

REPORTS OF STANDING COMMITTEES

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 990
H.B. 991 (Amended)
H.B. 992
H.B. 2043
H.B. 1119
H.B. 1061
H.B. 931